

D.N. FBT-CV19-6083239-S	:	SUPERIOR COURT
JOHN D. CALLAHAN, ET AL.	:	J.D. OF FAIRFIELD
V.	:	AT BRIDGEPORT
TOWN OF TRUMBULL PLANNING	:	
AND ZONING COMMISSION, ET AL.	:	MAY 18, 2020

**MOTION TO REARGUE**

Plaintiffs hereby seek reargument of the April 29, 2020 decision issued by the Trial Court (Radcliffe, J.T.R.) dismissing Plaintiffs' appeal.

“The purpose of a reargument is ... to demonstrate to the court that there is some decision or some principle of law which would have a controlling effect, and which has been overlooked, or that there has been a misapprehension of facts.... It also may be used to address ... claims of law that the [movant] claimed were not addressed by the court.... [A] motion to reargue [however] is not to be used as an opportunity to have a second bite of the apple ....” Seaport Capital Partners, LLC v. Speer, 177 Conn. App. 1, 17, (2017), cert. denied, 331 Conn. 931, (2019) (citation and internal quotation marks omitted; alterations in original).

In its analysis of Plaintiffs' claim that the decision of Defendant Town of Trumbull Planning & Zoning Commission (the "Commission") should be overturned due to improper statements made by Commissioner Anthony Chory ("Chory") to Rina Bakalar, the Trial

**THIS IS A PRACTICE BOOK SECTION 11-11 MOTION.**

**ORAL ARGUMENT REQUESTED / TESTIMONY NOT REQUIRED.**

Court did not address Plaintiffs' argument that Chory's statements constituted a statutory violation under General Statutes Section 4-181(a). The Court also did not address applicable case law cited by Plaintiffs with respect to the interpretation of the statute, in particular, Blaker v. Planning and Zoning Commission, 212 Conn. 471 (1989) and Henderson v. Dep't. of Motor Vehicles, 202 Conn. 453 (1987). See Mem. of Dec. at 20-21. This case law further supports Plaintiffs' argument that the Commission's decision was erroneous. See Plaintiffs' brief at 22 (Entry #142.00); Plaintiffs' reply brief at 5-6 (Entry # 149.00).

Because the Trial Court did not address the foregoing claims of law, Plaintiffs respectfully submit that reargument should be granted, and the Trial Court should reconsider its decision and sustain Plaintiffs' appeal.

THE PLAINTIFFS

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### **CERTIFICATION**

I hereby certify that a copy of the above was or will be delivered electronically on the date hereof, to all attorneys and self-represented parties of record and to all parties who have not appeared in this matter, and that written consent for electronic delivery was received from all attorneys and self-represented parties receiving electronic delivery:

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/s/ Timothy M. Herbst  
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Commissioner of the Superior Court